

**MINUTES OF THE
GREENSBORO ZONING COMMISSION**

JUNE 14, 2004

A regular meeting of the Greensboro Zoning Commission was held on Monday, June 14, 2004, at 2:00 p.m., in the Council Chamber of the Melvin Municipal Office Building, Greensboro, North Carolina. Members present were: Chair Gary Wolf, Portia Shipman, Paul Gilmer, Janet Wright, Bill Schneider, Tony Collins and J.D. Haynes. The Planning Department was represented by Robert W. Morgan, Assistant City Manager, and Bill Ruska, Zoning Administrator. Carrie Reeves represented the Greensboro Department of Transportation (GDOT) and Blair Carr, Esq., represented the City Attorney's Office.

Chair Wolf welcomed everyone to the Zoning Commission regular meeting. He explained the procedures of the meeting. He further advised that the meeting was being recorded and televised on Channel 13, and was being closed captioned for the hearing impaired.

APPROVAL OF MINUTES OF THE MAY 10, 2004 REGULAR MEETING

Ms. Wright moved approval of the minutes of the May 10, 2004 regular meeting as written, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

PUBLIC HEARINGS:

OLD BUSINESS:

- A. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS 1) USES: ALL USES PERMITTED IN THE HB ZONING DISTRICT EXCEPT THE FOLLOWING: SEXUALLY ORIENTED BUSINESSES, JUNKED MOTOR VEHICLES, AND LAND CLEARING AND INERT DEBRIS LANDFILLS. 2) MAXIMUM OF ONE CURB CUT FOR ACCESS TO THE SUBJECT PROPERTY FROM BATTLEGROUND AVENUE. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHEAST SIDE OF BATTLEGROUND AVENUE BETWEEN CARROLL STREET AND ELAM AVENUE – FOR MRF CORPORATION. (CONTINUED FROM MAY 10, 2004 MEETING) (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present who wished to speak on this item.

Marc Isaacson, attorney representing the applicant, presented some materials for the Commission members' review. He stated that MRF Corporation as well as a proposed purchaser of the property, wish to rezone the property and redevelop it for a medium sized shopping center. This property has been used until recently by Maid Rite Foods as a food processing and manufacturing facility. It was used for that purpose for well over 30 years. The owners have sold the business and now wish to sell the

property as well. The proposed shopping center would be anchored by a nationally-known grocery store and some other larger and smaller retail spaces. It would be similar to the Garden Square Shopping center across the street. Battleground Avenue has plenty of Highway Business and commercial areas within this vicinity.

It is felt that the proposed use is a consistent and compatible use for this area. Currently the property is zoned Light Industrial without any restrictions or conditions so a number of uses could be made of the property that might be incompatible with some of the retail that is in the area. In the material he presented was a proposed site plan sketch showing the location of the retail stores as well as the proposed parking spaces. The developer has not made a final decision on the pitch of the roof for the proposed buildings. City staff will recommend against the proposed rezoning and he feels that the only area of disagreement is not about the land use, not about the redevelopment of the property, but has to do with a request by the City that his client dedicate or "give" 50 feet of property on Battleground Avenue and 10 feet of the property along the back of the property along the railroad track to the City so that if and when Battleground Avenue is widened, that this property will already be dedicated to the City and the City would not have to pay the property owner for the right to take that property, as well as the Rails to Trails program, which they endorse. The City's request is that they dedicate and "give" 10 feet of the property so that the trail may be established. His client feels that this would make an undue hardship on them to try and be in compliance with the parking space requirements. They are negotiating with Norfolk-Southern to acquire the 100 feet of right-of-way that is on one side of the property. Norfolk-Southern has 200 feet of right-of-way along the railroad track and 100 feet of it extends across onto the other (eastern) side of the track and 100 feet is on the western side of the track, which encumbers their property.

His client will need to pay money for Norfolk-Southern's right-of-way and yet the City has asked that they "give" the City that 10 feet along the rear of the property and they object to that. His client has pledged that during the site planning process, it will thoroughly cooperate with the City in planning this site so that no structural improvements and no buildings will be put in the way of the trail or the 50 feet at the front of the property, so that if Battleground Avenue is widened it would not be taking any structural improvements or building, it would only be taking parking spaces. They consider that to be a site planning issue and not a land use or zoning issue. The traffic impact study that they had done showed an insignificant impact of this development on Battleground Avenue traffic. Most of the traffic that will enter and leave this property is captured from passer-by traffic that is already on Battleground Avenue and will probably not be a destination center in and of itself. There are two signalized intersections in the immediate area that would allow some relief for traffic. It is felt that this rezoning fits the purposes of the Comprehensive Plan and allows for the redevelopment of the property.

Chair Wolf asked if there was anyone else to speak in favor of or in opposition to the request and no one came forward.

Robert Morgan stated that this site contains a vacant Light Industrial building with a loading dock and a separate building with an active Chinese restaurant. The applicant has submitted an illustrative sketch plan for the site which shows a commercial building set towards the back of the property with parking spaces that appeared to be based on the old parking requirements. Under the new Ordinance recently adopted by City Council, the minimum number of required parking spaces could be reduced from 312 to 249. Such reduction in the parking will allow the building to be repositioned and/or moved forward in order to accommodate the corridor for the Battleground Rail Trail. This site is designated as mixed use commercial on the Connections 2025 Generalized Future Land Use map. Policy 7C.3 supports the redevelopment of abandoned, underutilized properties and policy 7C.1 supports zoning adequate land for various stages of business development. This site is also located along the designated Battleground Rail Trail and the applicant has not provided any condition that allows for the reservation of right-of-way for the proposed trail. This trail is supported by policies 8B, 8B.2, 8B.3 and 8B.4. Given the present

condition of the traffic on Battleground Avenue, patrons of the proposed use will have difficulty leaving the establishment and entering Battleground Avenue. Such difficulty can be alleviated with future widening on Battleground Avenue. Presently the subject property contains insufficient dedicated right-of-way to accomplish the improvements necessary to alleviate the egress issue. Also, this site is one of many along Battleground Avenue that will be impacted by the planned Battleground Rail Trail. It will be at the risk of the developer to build in the path of this City Council supported project.

This request is supported by Connections 2025 in terms of the Generalized Land Use map, although this request does not fully meet the definition of and the intent of mixed use commercial. However, the request does not meet objectives of policy 8B, which entails the development of comprehensive pedestrian and bicycle networks and specifically does meet the intent of 8B.3 which states that private development should also be reviewed for opportunities to promote installation of pedestrian and bicycle facilities in appropriate locations. This is certainly an appropriate location and it presents an opportunity in the furtherance of Battleground Rail Trail. Since this request does not reserve the corridor for this important community endeavor and since the dedicated right-of-way along Battleground Avenue to accomplish these improvements to alleviate the egress issue has not been provided, the Planning Department recommends denial.

Chair Wolf asked if it was reasonable to assume that there would be widening on that side of Battleground Avenue any time in the near future. Mr. Morgan stated that he did not have an answer for that.

Ms. Reeves, representing GDOT stated that Battleground Avenue was not on their top list of congested corridors and right now they are conducting a feasibility study on the portion of Battleground Avenue between Westridge Road north to the Urban Loop. They do have a future project to look at the rest of Battleground Avenue from Westridge south toward the downtown up to Lawndale Drive and toward downtown also. That is just a future feasibility study to look at what they need to do to this corridor to improve the capacity of it.

Ms. Wright moved to introduce the ordinance, seconded by Mr. Gilmer. The Commission voted 6-1 in favor of the motion. (Ayes: Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: Wolf.)

NEW BUSINESS:

A. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-1 SOUTHEAST OF THE MAIN BODY OF THE CITY THAT ADJOINS THE CITY LIMITS ON ITS WEST, SOUTH AND EAST SIDES AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004 – THIS AREA IS LOCATED EAST OF WILLOW ROAD, NORTH OF ALAMANCE CHURCH ROAD, AND CONTAINS THE GUILFORD HEALTH CARE CENTER – THE ORIGINAL ZONING DISTRICT IS CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf asked if there was anyone present to speak to this matter and no one came forward.

Mr. Morgan stated that the Planning Department recommends approval of this item.

Mr. Gilmer moved to introduce the ordinance, seconded by Ms. Wright. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

B. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-2 SOUTHEAST OF THE MAIN BODY OF THE CITY THAT ADJOINS THE CITY LIMITS ON ITS WEST AND SOUTH SIDES AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004 – THIS AREA IS LOCATED ALONG THE NORTH AND SOUTH SIDES OF ALAMANCE CHURCH ROAD, EAST OF WILLOW ROAD, AND CONTAINS THE NOT-YET-ANNEXED PORTIONS OF WILPAR ESTATES AND ZORNBROOK VALLEY SUBDIVISIONS, A NUMBER OF OTHER HOUSES, AND NEESE COUNTRY SAUSAGE COMPANY – THE ORIGINAL ZONING DISTRICTS INCLUDE RS-40 RESIDENTIAL SINGLE FAMILY, RS-20 RESIDENTIAL SINGLE FAMILY, RS-12 RESIDENTIAL SINGLE FAMILY AND HEAVY INDUSTRIAL – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf asked if there was anyone present to speak to this matter.

Barbara Waller, 1400 Sherrod Watlington Circle, stated that she is not opposed to the request but she had some questions. She is located at the area number 2, proposed RS-40 and would like to know what that means. Will that area continue to be RS-40?

Mr. Ruska stated that the whole subdivision would be consistently zoned RS-40 which is the same as it is currently.

Mr. Morgan stated that the Planning Department recommends approval of this item.

Ms. Wright moved to introduce the ordinance, seconded by Mr. Haynes. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

C. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-3 EAST OF THE MAIN BODY OF THE CITY THAT ADJOINS THE CITY LIMITS ON ITS WEST, SOUTH AND NORTH SIDES AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004. – THIS AREA IS LOCATED ALONG PENRY ROAD, NORTH OF EAST WENDOVER AVENUE, AND CONTAINS THE KMART DISTRIBUTION CENTER – THE ORIGINAL ZONING DISTRICTS INCLUDE RS-9 RESIDENTIAL SINGLE FAMILY AND CONDITIONAL DISTRICT – LIGHT INDUSTRIAL – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf asked if there was anyone present to speak to this matter and no one came forward.

Mr. Morgan stated that the Planning Department recommends approval of this item.

Ms. Wright moved to introduce the ordinance, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

D. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-4 NORTHEAST OF THE MAIN BODY OF THE CITY THAT IS SURROUNDED BY THE EXISTING CITY LIMITS AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004 – THIS AREA IS LOCATED ALONG THE WEST SIDE OF YANCEYVILLE STREET, NORTH OF PISGAH CHURCH ROAD, AND CONTAINS THE NORTHWINDS APARTMENTS – THE ORIGINAL ZONING DISTRICTS INCLUDE RS-12 RESIDENTIAL SINGLE FAMILY AND CONDITIONAL DISTRICT – RM-12 RESIDENTIAL MULTIFAMILY – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf asked if there was anyone present to speak to this matter.

Calvin Jones, 600 Turkey Branch Road, Fern, Virginia, stated that he would like to see this area changed to RM-12 as his property joins the Northwinds Apartment complex.

Mr. Ruska stated that typically the way they address original zoning is that they bring it in as a comparable zoning district and not jump up to a higher intensity zoning. Once it is within the City Limits, then property owners can ask for a rezoning of the property.

Herbert Hendrickson, 4806 Sweetbriar Road, asked if the general policy is to bring properties into the City at the same zoning level that they had previously occupied at the County, why is he consistently seeing RS-40 being proposed as RS-12?

Chair Wolf stated that traditionally much residential property, in terms of minimum density, in the City is zoned RS-12.

Mr. Ruska stated that one of the descriptors of RS-40 is that it is for property that is not served by public water and sewer and therefore it does not fit an urban context where water and sewer is going to be available to all these properties.

Jim Brock, 3202 Robinhood Drive, stated that he is strictly speaking to the description where it says the property is located and wondered if north of Lee's Chapel Road might be more appropriate than north of Pisgah Church Road.

Mr. Morgan stated that the Planning Department recommends approval of this item.

Mr. Gilmer moved to introduce the ordinance, seconded by Ms. Wright. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

E. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-5 NORTHEAST OF THE MAIN BODY OF THE CITY THAT ADJOINS THE CITY LIMITS ON ITS NORTH, WEST AND SOUTH SIDES AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004 – THIS AREA IS LOCATED ALONG THE WEST SIDE OF YANCEYVILLE STREET, LARGELY NORTH OF THE PROPOSED URBAN LOOP THOROUGHFARE, AND CONTAINS PHASE 1 OF THE TURNBRIDGE APARTMENTS – THE ORIGINAL ZONING DISTRICTS INCLUDE RS-9 RESIDENTIAL SINGLE FAMILY AND RM-8 RESIDENTIAL MULTIFAMILY – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf asked if there was anyone present to speak to this matter and no one came forward.

Mr. Morgan stated that the Planning Department recommends approval of this item.

Mr. Gilmer moved to introduce the ordinance, seconded by Ms. Wright. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

F. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-6 NORTHEAST OF THE MAIN BODY OF THE CITY THAT ADJOINS THE CITY LIMITS ON ITS NORTH, SOUTH AND EAST SIDES AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004 – THIS AREA IS LOCATED ALONG BOTH SIDES OF NORTH CHURCH STREET BETWEEN OLD LAKE JEANETTE ROAD AND LAKE TOWNSEND AND PRIMARILY CONTAINS RESIDENTIAL DEVELOPMENT – THE ORIGINAL ZONING DISTRICTS INCLUDE AGRICULTURAL, RS-40 RESIDENTIAL SINGLE FAMILY, RS-12 RESIDENTIAL SINGLE FAMILY AND CONDITIONAL DISTRICT – RS-12 RESIDENTIAL SINGLE FAMILY – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf asked if there was anyone present to speak in opposition to this matter

Alex Crist, 4811 Sweetbriar Road, stated that he is currently in RS-40 and the proposal is to take it to RS-12 and he does not feel that is compatible with the way it is currently zoned.

Herbert Hendrickson, 4806 Sweetbriar Road, stated that this is located on the western edge of Granville Estates and he feels that rezoning this particular neighborhood from RS-40 to RS-12 is a terrible idea. Greensboro is water-poor and they are on well and septic tank and they do not want to take the city's water. They feel that their well water is better and they are not using the city's water. They are, however, occupying low-density land that is heavily vegetated which means they have high rates of infiltration into the soil and they are saving water for the city by not using it and keeping it in the ground so that eventually it will trickle in and replenish the water in Lake Townsend. What is proposed is that they pave over Grandville Estates so that they cannot save water there and we can flood it every time there is a thunder storm and wash the sediments and the oils and other pollutants into the city water supply.

Mr. Morgan stated that the Planning Department recommends approval of this request.

After some discussion Mr. Gilmer moved to introduce the ordinance, seconded by Ms. Wright. The Commission voted 6-1 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider. Nays: Collins.)

G. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-7 NORTHEAST OF THE MAIN BODY OF THE CITY THAT ADJOINS THE CITY LIMITS ON ITS WEST, NORTH AND EAST SIDES AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004 – THIS AREA IS LOCATED ALONG PORTIONS OF US HIGHWAY 29, SUMMIT AVENUE, RUDD STATION ROAD, LEES CHAPEL ROAD, BRYAN PARK ROAD AND SEVERAL OTHER STREETS AND CONTAINS A MIX OF RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL USES – THE ORIGINAL ZONING DISTRICTS INCLUDE RS-12 RESIDENTIAL SINGLE FAMILY, LIMITED OFFICE, HIGHWAY BUSINESS, LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL; AND A SPECIAL USE PERMIT FOR

NONHAZARDOUS SOLID WASTE DISPOSAL IN HEAVY INDUSTRIAL IS INCLUDED – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf asked if there was anyone present to speak to this matter and no one came forward.

Mr. Morgan stated that the Planning Department recommends approval of this item.

Ms. Wright moved to introduce the ordinance, seconded by Mr. Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

H. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-8 SOUTHWEST OF THE MAIN BODY OF THE CITY THAT ADJOINS THE CITY LIMITS ON ITS WEST, NORTHWEST AND NORTHEAST SIDES AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004 – THIS AREA IS LOCATED ALONG BOTH SIDES OF HIGH POINT ROAD, SUTTONWOOD DRIVE, AND MACKAY ROAD AND CONTAINS THE ADAMS FARM SHOPPING CENTER, SEVERAL OTHER COMMERCIAL USES, AND AN INSTITUTIONAL, AN INDUSTRIAL, AND A RESIDENTIAL USE – THE ORIGINAL ZONING DISTRICTS INCLUDE RS-12 RESIDENTIAL SINGLE FAMILY, CONDITIONAL DISTRICT – GENERAL OFFICE MODERATE INTENSITY, LIMITED BUSINESS, HIGHWAY BUSINESS, CONDITIONAL DISTRICT – HIGHWAY BUSINESS, SHOPPING CENTER, AND LIGHT INDUSTRIAL – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf asked if there was anyone present to speak to this matter and no one came forward.

Mr. Morgan stated that the Planning Department recommends approval of this item.

Ms. Wright moved to introduce the ordinance, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

I. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-9 SOUTHWEST OF THE MAIN BODY OF THE CITY THAT IS SURROUNDED BY THE EXISTING CITY LIMITS AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004 – THIS AREA IS LOCATED WEST OF ATWATER DRIVE AND CONTAINS A CEMETERY – THE ORIGINAL ZONING DISTRICT IS RS-12 RESIDENTIAL SINGLE FAMILY – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf asked if there was anyone present to speak to this matter and no one came forward.

Mr. Morgan stated that the Planning Department recommends approval of this item.

Ms. Wright moved to introduce the ordinance, seconded by Ms. Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

J. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-10 SOUTHWEST OF THE MAIN BODY OF THE CITY THAT IS SURROUNDED BY THE EXISTING CITY LIMITS AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004 – THIS AREA CONTAINS PORTIONS OF THE REAR YARDS OF 6 HOUSES LOCATED ALONG THE NORTH SIDE OF CAROLWOOD DRIVE – THE ORIGINAL ZONING DISTRICT IS RS-12 RESIDENTIAL SINGLE FAMILY – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties.

Chair Wolf asked if there was anyone present to speak to this matter and no one came forward.

Mr. Morgan stated that the Planning Department recommends approval of this item.

Ms. Wright moved to introduce the ordinance, seconded by Ms. Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

Chair Wolf stated that Items K and L would be heard together.

K. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-11 SOUTH OF THE MAIN BODY OF THE CITY THAT IS SURROUNDED BY THE EXISTING CITY LIMITS AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004 – THIS AREA IS LOCATED SOUTH OF WEBSTER ROAD, WEST OF SOUTH ELM-EUGENE STREET, AND CONSISTS MOSTLY OF THE REAR PORTIONS OF LOTS, THE FRONT PORTIONS OF WHICH ARE CURRENTLY INSIDE THE CITY LIMITS AND CONTAINS RESIDENTIAL DEVELOPMENT – THE ORIGINAL ZONING DISTRICT IS RS-12 RESIDENTIAL SINGLE FAMILY – FOR THE PLANNING DEPARTMENT. (FAVORABLE RECOMMENDATION)

L. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FOR AREA 2004-12 SOUTH OF THE MAIN BODY OF THE CITY THAT IS SURROUNDED BY THE EXISTING CITY LIMITS AND WHICH WILL BE ANNEXED EFFECTIVE JUNE 30, 2004 – THIS AREA IS LOCATED ON THE EAST SIDE OF SOUTH ELM-EUGENE STREET, SOUTH OF WEBSTER ROAD, AND PRIMARILY CONTAINS RESIDENTIAL DEVELOPMENT – THE ORIGINAL ZONING DISTRICT IS RS-12 RESIDENTIAL SINGLE FAMILY – FOR THE PLANNING DEPARTMENT. (APPROVED)

Mr. Ruska presented a map showing the subject properties, as well as surrounding properties.

Chair Wolf asked if there was anyone present to speak to this matter and no one came forward.

Mr. Morgan stated that the Planning Department recommends approval of these items.

Ms. Wright moved to introduce the ordinance in Item K, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

Ms. Wright moved to introduce the ordinance in Item L, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

M. AN ORDINANCE REZONING FROM HIGHWAY BUSINESS TO GENERAL BUSINESS – FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF RANDLEMAN ROAD BETWEEN TEAGUE STREET AND CREEK RIDGE ROAD – FOR WAFFLE HOUSE, INC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present to speak to this matter.

Ted Capp, Alpharetta, Georgia, stated that Waffle House requests this rezoning so that they can redevelop the property and make it a much nicer looking development. They plan to remove the existing building and replace it. They want to move it to the north side of the lot, that way they will have enough space for their parking area. They are starting renovations on this particular Waffle House.

Mr. Morgan stated that both sides of Randleman Road have been zoned for and developed with commercial uses for many years. For this reason the proposal is compatible with the established zoning pattern for this section of the corridor. The General Business zoning classification will permit additional flexibility in site redesign due to the less restrictive building setbacks, especially from interior property lines. The redevelopment of this site will improve the quality of this development through the provisions of required landscaping and meeting current sign regulations. The Planning Department recommends approval of this item.

Mr. Gilmer moved to introduce the ordinance, seconded by Ms. Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

N. AN ORDINANCE REZONING FROM GENERAL OFFICE HIGH INTENSITY TO CENTRAL BUSINESS – FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHEAST INTERSECTION OF WEST FRIENDLY AVENUE AND NORTH EDGEWORTH STREET – FOR GRACE UNITED METHODIST CHURCH. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present to speak to this matter.

Bruce Daye, the surveyor for the site, stated that the main purpose for rezoning is because there used to be a building but it has been demolished and there was existing parking on the site. It was elevated several feet with a retaining wall that went all the way around the existing parking lot. The purpose of this demolition was to lower the parking so it would be handicap accessible. The age of the people that attend the church is rising and they are trying to accommodate those people.

Mr. Morgan stated that this is a reasonable extension of the CB zoning that will help square up the district. The majority of the property that fronts on Friendly Avenue is currently within the Central Business Zoning District. The request will fill in one of the three properties that is not currently in the CB district between Eugene and Spring Street. This property is located in an area that is recognized as downtown and is characteristic of a downtown building. By rezoning this property, the church will attain relief from setbacks and landscaping requirements which are not characteristic of center city development and also not typically provided in the downtown area. This request helps achieve the Connections 2025 goal for downtown and is consistent with the policies for mixed use CBD. The Planning Department recommends approval of this item.

Ms. Wright moved to introduce the ordinance, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

O. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITION: 1) A 50-FOOT NATURAL UNDISTURBED BUFFER SHALL REMAIN ALONG THE REAR PROPERTY LINE. - FOR A PORTION OF THE PROPERTY LOCATED WEST OF SUMMIT AVENUE AND EAST OF SANDBURG DRIVE – FOR AHMED M. KHALIFA. (DENIED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present to speak to this matter.

Sheila Siler, real estate broker representing the owner, stated that the owner wishes to put a carport type structure on the back end of that lot, 50 feet from the very end of the lot. The lot is 351 feet deep and he needs more space to repair his vehicles.

In response to questions, Ms. Siler stated that the property used to be a car lot. He hopes to be able to build a 20' X 30' carport structure.

Mr. Ruska stated that the current zoning goes back many years, even prior to the Unified Development Ordinance, and probably all the way back to the 1950s.

Mr. Morgan stated that the commercial zoning pattern in this area has remained relatively stable and viable in its present configuration over the years. No zoning changes to a commercial classification have taken place since the implementation of the UDO on July 1, 1992. While Connections 2025 does support home-grown businesses, this request is not supported by the housing and neighborhood goal and policy 6A.4, that speaks to implementing measures aimed at protecting existing neighborhoods from potential negative impacts of development. This requested zoning change is not compatible with the low residential land use classification that is shown on the Generalized Future Land Use map. In that regard this proposal would be an intrusion into an existing stable neighborhood that, if approved, could encourage other similar requests in the future. The Planning Department recommends denial of this request.

Mr. Haynes moved to introduce the ordinance, seconded by Ms. Wright. The Commission voted 1-6 in favor of the motion. (Ayes: Shipman, Nays: Wolf, Gilmer, Wright, Haynes, Schneider, Collins.)

At this time a 10 minute break was taken from 3:51 until 4:02 p.m.

Chair Wolf stated that he and Mr. Schneider would recuse themselves from this matter.

Ms. Wright moved to recuse Mr. Wolf and Mr. Schneider from this item, seconded by Mr. Gilmer. The Commission voted 5-0-2 in favor of the motion. (Ayes: Collins, Shipman, Wright, Haynes, Gilmer. Nays: None. Abstained: Wolf and Schneider.)

P. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT – RM-26 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: RESIDENTIAL USES AND ACCESSORY USES AND STRUCTURES. 2) PROPERTY SHALL BE DEVELOPED IN CONJUNCTION WITH AND UNDER THE SAME SITE PLAN AS THE

ADJOINING PROPERTY TO THE NORTH AND EAST ZONED CD-RM-26 (#3219). 3) LIMITED TO 12 THREE-BEDROOM APARTMENTS. THESE APARTMENTS MAY BE PLACED ON THE TRACT ZONED CD-RM-26 (#3219) BUT IN NO CASE SHALL THE TOTAL NUMBER OF APARTMENTS FOR THAT TRACT AND THIS TRACT EXCEED 60 APARTMENT UNITS. 4) ALL BUILDINGS SHALL BE OF MASONRY CONSTRUCTION WITH POSSIBLE WOOD OR VINYL GABLES AND TRIM. 5) ALL BUILDINGS SHALL BE LIMITED TO THREE STORIES IN HEIGHT. 6) CITY OF GREENSBORO PLANTING RATES WILL BE DOUBLED ALONG THE SOUTHERN AND WESTERN PROPERTY LINES. THE PLANTING YARD ALONG THIS WESTERN LINE SHALL BE IN LIEU OF THE PLANTING YARD FOR THE APPROXIMATE 265-FOOT WESTERN LINE OF THE ADJOINING TRACT ZONED CD-RM-26 (#3219) WHICH IS PARALLEL TO THIS WESTERN LINE. THE PLANTING YARD ALONG THIS SOUTHERN LINE SHALL BE LIEU OF THE PLANTING YARD FOR THE APPROXIMATE 155-FOOT SOUTHERN LINE OF THE ADJOINING TRACT ZONED CD-RM-26 (#3219) WHICH IS OPPOSITE THIS SOUTHERN LINE. - FOR A PORTION OF THE PROPERTY LOCATED SOUTH OF SPRING GARDEN STREET, EAST OF PARK TERRACE AND NORTH OF HIATT STREET – FOR CHARLES E. WILLIAMSON. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Vice Chair Collins asked if there was anyone present to speak to this matter.

Seth Coker, 1106 Magnolia Street, Suite O, stated that he is one of the partners in this project. The parcel they are asking to have rezoned is approximately $\frac{3}{4}$ of an acre and is adjacent to the land rezoned to multifamily in February. If rezoned, this parcel will be developed in connection with the parcel previously rezoned. Adding this parcel will allow the project to expand by one building going from 48 units to 60 units and will lower the overall density and allow the project to hide most of the parking spaces behind the building that is currently under construction. This project has been a collaborative effort with the developers, the Lindley Park Neighborhood Association and Southeastern Foundry. The project is in line with the recently completed Lindley Park Neighborhood Future Land Use plan. The project down-zones land from Industrial use, the proposed use is envisioned in the city's Connections 2025 and the project infuses high-end development into a City of Greensboro designated reinvestment corridor.

Mr. Morgan stated that the subject property is within the boundaries of the Lindley Park Neighborhood for which the City and the Lindley Park Neighborhood Association recently completed work on a pilot neighborhood planning program. The resulting draft plan was adopted by the neighborhood on May 18th and is tentatively scheduled for public hearing and adoption at the June Planning Board and July City Council meetings. The Lindley Park Future Land Use map designates the area surrounding the subject property as mixed use residential. The mixed use residential classification accommodates a diverse mix of housing types and densities while ensuring that buildings are of appropriate scale and intensity. The rezoning request for the subject property is compatible with critical elements of the draft plan as well as the neighborhood vision. This proposal is consistent with rezoning to CD-RM-26 for the tracts to the north and east which was approved by the Zoning Commission in February of this year. It is consistent with the mixed use residential designation of this area and furthers the objectives for a reinvestment corridor. Furthermore, it is consistent with Connections 2025 policies of promoting mixed income neighborhoods, diversification of new housing stock and affordable housing opportunities. The Planning Department recommends approval of this item.

Mr. Gilmer moved to introduce the ordinance, seconded by Ms. Wright. The Commission voted 5-0-2 in favor of the motion. (Ayes: Shipman, Gilmer, Wright, Haynes, Collins. Nays: None. Abstained: Wolf and Schneider.)

Q. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) ALLOWED USES: (A) ALL USES PERMITTED IN THE “BUSINESS, PROFESSIONAL AND PERSONAL SERVICES” CATEGORY OF THE PERMITTED USE SCHEDULE; (B) THE FOLLOWING USES LISTED IN THE “RETAIL TRADE” CATEGORY: AUTO SUPPLY SALES, MOTOR VEHICLE SALES (NEW AND USED), MOTORCYCLE SALES, AND TIRE SALES; (C) AUTOMOTIVE PARKING LISTED IN THE “OTHER USE” CATEGORY. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF EDWARDIA DRIVE BETWEEN MARY STREET AND WEST WENDOVER AVENUE – FOR BRINSFIELD ENTERPRISES, INC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present to speak to this matter.

Craig Fleming, Fleming Engineering, stated that Brinsfield Automotive is the business that is currently located on the property. Currently, Brinsfield Enterprises, owns the property directly to the north and the east of this property. In order to subdivide the property in the manner the property owner needs, they would need to go to the GB zoning. They have added conditions to the zoning request that would assure that they are trying to maintain the use that it is currently there and they are not asking for additional uses or anything out of character with the neighborhood. They just need relief from the lot size criteria.

Mr. Morgan stated that there is commercial zoning to the south and in close proximity to this property. In fact, the automotive dealership south of and adjacent to the subject property exhibits the split-zoning of HB and LI. Motor vehicle sales are allowed in Light Industrial and three commercial zoning districts, of which, General Business is one of those districts. Existing land use on the subject property will not be changing and is compatible with like surrounding uses on both Edwardia Drive and Wendover Avenue. This area is classified by Connections 2025 as a commercial and the proposed rezoning is compatible with that classification. Therefore, the Planning Department recommends approval of this item.

Ms. Wright moved to introduce the ordinance, seconded by Ms. Shipman. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

R. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT – HIGHWAY BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO THOSE HB USES PERMITTED IN THE RECREATIONAL; BUSINESS, PROFESSIONAL AND PERSONAL SERVICES; AND RETAIL TRADE CATEGORIES. 2) ANY USE REQUIRING DRIVE-THRU SERVICE SHALL NOT BE PERMITTED. - FOR A PORTION OF THE PROPERTY LOCATED ON THE SOUTHEAST SIDE OF 16TH STREET WEST OF NORTH BUFFALO SEWAGE TREATMENT PLANT – FOR KEVIN CARTER. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present to speak to this matter.

Robbie Faircloth, 6719 Safewright, stated that he is representing the property owner. They presently run a go-cart track, Raceland, which they opened to try and bring some commercialization to the area. They hope to continue running the go-carts and they hope to add a small Putt-Putt golf course on the property also. He has talked to some of the surrounding businesses and no one was opposed to the plan.

Mr. Morgan stated that among other uses which this property could potentially be used for is a miniature golf course. Such a use is permitted in five commercial zoning districts but not in Light Industrial. The majority of this area is zoned Shopping Center, which is most intensive commercial zoning classification in the city. Staff feels that the proposed zoning and range of uses that would be permitted would be compatible with the area and with the surrounding existing or potential development. This proposal is also consistent with Connections 2025 map designation of mixed use commercial, activity center and reinvestment area. Based upon the proposed use a TIS is not required, however, if the property were to be sold or redeveloped, then there are a number of uses that would require a TIS under HB zoning. Due to the location of the flood plain, expansion of the site would be severely limited and would have to be dealt with at the site plan stage. The Planning Department recommends approval of this item.

Mr. Gilmer moved to introduce the ordinance, seconded by Ms. Wright. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

S. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – GENERAL OFFICE HIGH INTENSITY WITH THE FOLLOWING CONDITION: 1) USES: LIMITED TO RESIDENTIAL NOT TO EXCEED 12 DWELLING UNITS AND ONE ACCESSORY OFFICE SPACE AND RM-18 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT – RM-26 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: LIMITED TO MULTIFAMILY DWELLINGS NOT TO EXCEED 24 UNITS. 2) THE BUILDING SHALL BE PRIMARILY OF BRICK AND MASONRY CONSTRUCTION. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF SOUTH BENBOW ROAD BETWEEN CUNNINGHAM STREET AND PERKINS STREET – FOR DR. CHELSEA TIPTON. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present to speak to this matter.

Chelsea Tipton, 4806 Royal Coach Road, the applicant, stated that this property is located on the east side of South Benbow Road between Cunningham Street and Perkins Street. Presently the property is zoned GO-H and the adjoining three lots facing Cunningham are zoned RM-18. Their site plan was approved on March 18, 2004 and they have hired an engineer to do a preliminary site plan for the 12 unit apartment building. It was determined that they were not making the best use of the property available, but they could build a 24 unit building if they could acquire adjoining land for additional parking spaces and additional units. The existing buildings will be demolished. The rezoning is requested for this additional parking. They have checked with the adjoining neighbors and no one is opposed to their plan.

Carlton Gascon, owner of adjoining property, stated that they support this plan and feel that it is a face-lift for this area and offers A&T students housing close to the campus. He looks forward to seeing the completion of this project.

Roy D. Moore, 1500 Marlboro Drive, stated that he is in favor of the request as he feels that this project will be very instrumental in helping this area develop into an area that the citizens can be proud of.

Mr. Morgan stated that the western portion of this property was rezoned to CD-GOH on March 8, 2004. The western portion of the property currently is limited to residential not to exceed 12 dwelling units and one accessory office space on 1.2 acres. The subject property is currently classified by the Generalized Future Land Use map as low residential with mixed use commercial classification directly to the north. At the time of the previous rezoning request, staff mentioned that due to the size of the site and the number of current apartment units, they felt the character of the neighborhood would not be changed with that request nor would the request expand the area devoted to multifamily land use. Staff supported the previous request because it was actually a reduction in the number of units on an existing multifamily site. However, this case doubles the number of units from the previously approved case and expands into an area that is currently occupied by a tri-plex and two single family dwellings. This brings into question the maintenance of existing housing stock that is promoted by policy 6B.3 in Connections 2025. Whether or not the character of the neighborhood may change is a point in question. Approval of this request could initiate a domino effect for apartment development in the remainder of this block that presently exhibits single family and two-family housing stock. On the other hand, unless it is down-zoned, which is highly unlikely, apartments could be developed by right under the current RM-18 zoning classification. This case exhibits conflicts in aspects relative to Connections 2025 goals and policies. It will improve the existing multifamily housing units but it may not be an improvement to the housing stock to take away two single family units that could in the future be owner occupied affordable housing. This request also promotes a walkability goal to the plan in that it offers a housing opportunity for students in the area with sidewalks and within walking distance of NCA&T State University campus. Based upon all the information contained in this report, consideration of existing multifamily zoning and the proximity to NCA&T campus, staff recommends approval of this item.

Mr. Gilmer moved to introduce the ordinance, seconded by Mr. Haynes. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

I. AN ORDINANCE REZONING FROM RM-18 RESIDENTIAL MULTIFAMILY TO NEIGHBORHOOD BUSINESS – FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE MCMANUS STREET BETWEEN SPRING GARDEN STREET AND HIATT STREET – FOR TIMOTHY F. BRYSON. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present to speak to this matter.

Jeff Davis, attorney representing the applicant, stated that the owners are seeking a zoning to neighborhood business. The property is currently surrounded by a shopping center with businesses, a warehouse, a double lot owned by Kotis Properties, which is currently vacant, and there is also a heating and air conditioning business and a plumbing business. They feel that the rezoning of the property will be in character of the surrounding area.

Mr. Morgan stated that the subject property is within the boundaries of the Lindley Park Neighborhood for which the City and Lindley Park Neighborhood Association recently completed work on a pilot neighborhood planning program. The LPNA Future Land Use map designates the area surrounding the subject property as mixed use commercial. Rezoning of the subject property is compatible with critical elements of the draft plan as well as the neighborhood vision. The general description of the neighborhood fits this property as it is primarily intended to accommodate very low intensity office, retail and personal service uses within residential areas. It provides a convenient location for a business without disrupting the character of the neighborhood. This request is compatible with the LPNA plan and its future land use map which designates this area as mixed use commercial. It is also consistent with

Connections 2025 goals and policies for the mixed use residential land use classification, reinvestment corridors and adaptive reuse. The NB zoning district also supports the plan through its additional requirements which protect the neighborhood from negative impacts of development. The Planning Department recommends approval of this item.

Mr. Haynes moved to introduce the ordinance, seconded by Mr. Schneider. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays:None.)

U. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN GB, INCLUDING CHURCHES AND CHILD DAYCARE CENTERS, WITH THE EXCEPTION OF THE FOLLOWING: A) ANY AGRICULTURAL USES. (B) ANY RESIDENTIAL USES. (C) ANY RECREATIONAL USES. (D) ANY OTHER EDUCATIONAL AND INSTITUTIONAL USES. (E) THE FOLLOWING BUSINESS AND PROFESSIONAL SERVICES: AUTOMOBILE RENTAL OR LEASING. BOAT REPAIRS. BUILDING MAINTENANCE AND SERVICES. ECONOMIC, SOCIO, OR EDUCATIONAL RESEARCH. EQUIPMENT RENTAL & LEASING. FUNERAL HOMES OR CREMATORIUMS. FURNITURE REPAIR SHOPS. HOTELS OR MOTELS. LABOR UNIONS OR SIMILAR ORGANIZATIONS. LAUNDROMATS. COIN OPERATED. LAUNDRY OR DRY CLEANING PLANTS. MOTION PICTURE PRODUCTIONS. NONCOMMERCIAL RESEARCH ORGANIZATIONS. PEST OR TERMITE CONTROL SERVICES. PROFESSIONAL MEMBERSHIP ORGANIZATIONS. REHABILITATION OR COUNSELING SERVICES. SECURITY SERVICES. SHOE REPAIR OR SHOESHINE SHOPS. TAXIDERMISTS. TELEVISION, RADIO OR ELECTRONIC REPAIRS. INDOOR THEATERS. TOURIST HOMES (BED & BREAKFASTS) TRUCK AND UTILITY TRAILER RENT AND LEASING, LIGHT. VOCATIONAL, BUSINESS, OR SECRETARIAL SCHOOLS. WATCH OR JEWELRY REPAIR SHOPS. ADVERTISING SERVICES. OUTDOOR. KENNELS OR PET GROOMING SERVICES. VETERINARY SERVICES. (F) TRANSPORTATION, WAREHOUSING AND UTILITY USES. (G) MANUFACTURING AND INDUSTRIAL USES. (H) THE FOLLOWING OTHER USES: ARTS AND CRAFTS SHOWS. CARNIVALS AND FAIRS. CHRISTMAS TREE SALES. 2) THE MAXIMUM ALLOWABLE SQUARE FOOTAGE OF DEVELOPMENT FOR THE PROPERTY WILL BE 20,000 SQUARE FEET. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF PISGAH CHURCH ROAD BETWEEN SCOTTSDALE ROAD AND RANSOM ROAD – FOR THE CROWN COMPANIES, LLC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present to speak to this matter.

Henry Isaacson, attorney representing the applicant, stated that Crown Properties is a company which is headquartered in Dobson, NC. He presented booklets for the Commission members' review. He stated that they are proposing some additional conditions as follows:

3. The property will be designed and developed in a unified manner and will incorporate similar and complimentary architectural features such as masonry materials and roof materials, planting materials and paving surfaces.
4. No pylon signage will be allowed within the proposed development. All signage along Pisgah Church Road frontage will be monument signage limited to six feet in height with surface areas as allowed within the City of Greensboro development ordinance.

5. Within the required 8 foot street planting yard along Pisgah Church Road right-of-way, the applicant will plant evergreen shrubs at a rate of 34 per 100 linear feet.
6. A minimum 200 square foot planting area will occur within 75 feet of any parking space within the development and each such planting area will be planted with large maturing canopy tree or two understory trees, depending upon the location of existing and future overhead utilities.
7. A 200' square foot minimum planting area will be provided between every 4 parking spaces in the parking areas that are immediately adjacent to the 8 foot street planting yard along Pisgah Church Road and each such planting area will be planted with large maturing canopy tree or 2 understory trees depending upon the location of existing and future overhead utilities.
8. Site lighting will be designed in a manner as to eliminate direct illumination onto adjacent properties. Site lighting standards and fixtures will not exceed 20' in height, anywhere within the development.
9. The development will be designed to allow for internal vehicular and pedestrian connectivity between any free-standing buildings within the development. Vehicular connectivity will be accompanied by shared driveways and cross connections. Pedestrian connectivity will be accompanied by a provision of sidewalks and painted cross-walks internally within the property.
10. Any building in excess of 7,000 square feet shall not have an expanse wider than 50' or be higher than 20' without detail or articulation.
11. All trash handling and service areas within the development will be screened from public view by way of screening walls and doors.
12. Sidewalks meeting City of Greensboro standards would be constructed by developer on the frontage of the property on Pisgah Church Road and along the property edge with Scottsdale Road.
13. Developer will provide improvements to Scottsdale Road consisting of curb and gutter and resurfacing approximately 190' northward from the intersection of Scottsdale Road with Pisgah Church Road.
14. Developer will provide a Type B planting yard with a Type A planting rate along the northern zoning line of the subject property. Except for the area designated for the water quality pond and would construct and maintain a 6' high opaque fence along said line to be located within the center of the said Type B planting yard.
15. There will be a maximum of 1 access driveway location on Scottsdale Road and a maximum of 2 access driveways on Pisgah Church Road, the locations to be determined during site plan review by the Greensboro Department of Transportation.

Mr. Gilmer moved to approve the additional conditions, seconded by Ms. Wright. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

Mr. Isaacson stated that the new conditions represent a number of conferences with the Planning Department staff and GDOT staff about how this property should be redeveloped once the church is relocated. He presented photographs for the Commission members' review and explained their significance. He asked that members of the church stand up to show their support of this rezoning request. Approximately 100 people stood up. He explained that this rezoning complies with the Connections 2025 Comprehensive Land Use Plan and the area is designated as mixed use commercial and lies within one of the future land use map activity centers. With the uses already existing in this neighborhood and those proposed next door at the veterinary clinic and across the street with mixed use development, together with the new conditions which form a part of the application, this development will

be in harmony with the surrounding neighborhood and he asked for the Commission's favorable consideration.

Paul Luttrell, pastor of Gospel Baptist Church, stated that he has been pastor of this church for 20 years. During that 20 years they have enjoyed a steady growth to the point that they have outgrown the facilities they now have and they have outgrown their land. They have been advised that they should sell their property and relocate.

Mr. Morgan stated that the Pisgah Church Road/Lee's Chapel Road corridor study recommended that the Pisgah Church Road/Lee's Chapel Road corridor should be given a scenic corridor overlay zoning district designation. Among other provisions, the corridor study called for use restrictions, tree preservation, screening requirements, sign controls, installation of sidewalks, restrictions on building materials, minimization of curb cuts and increased street planting yards. The property that abuts the request on the east side was originally zoned to CD-GB with an effective date of March 31, 2004. At the December 8, 2003 public hearing, staff pointed out the Generalized Future Land Use map designates this area as a mixed use commercial and the property lies within an existing activity center. In recommending approval, however, staff mentioned that future rezoning requests would be scrutinized to ensure that this area develops as a true mixed use activity center. Staff pointed out that the property on the opposite side of Pisgah Church Road, zoned CD-PDI, is in the process of developing as a mixed use development. A significant concern of staff for this portion of Pisgah Church Road corridor is to avoid typical strip commercial, piece-meal development with each parcel having its own access points and building lot appearance. Staff realizes it would be difficult to do a true mixed use development, especially one involving residential components, on a small site such as this one. To compensate, however, staff suggested certain design features or development standards that would be in keeping with the scenic corridor recommendation mentioned in this report that would be in harmony with the mixed use development under construction across the street. The applicant added these additional conditions to address staff recommendations. He expressed the City's appreciation to the applicant for adding these conditions. While the rezoning proposal does not meet the definition of mixed use commercial in its pure sense, the amended conditions involve elements that are supported by Connections 2025 policies that call for the highest standards of development. These additional design elements assist in mitigating the lack of mixed use and therefore, the development is in support of the Comprehensive Plan in appearance standards that relate to a potential scenic corridor. Based on all the information contained in the report and the amendments that were offered by the applicant, the Planning Department recommends approval of this item.

Ms. Wright moved to introduce the ordinance, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

V. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – PUBLIC AND INSTITUTIONAL WITH THE FOLLOWING CONDITIONS: 1) APPLICANT SHALL MAINTAIN A THIRTY (30) FOOT UNDISTURBED BUFFER ALONG THE NORTHERN BOUNDARY, TO BE SUPPLEMENTED AT A TYPE A PLANTING YARD RATE AS NEEDED. 2) THE SUBJECT PROPERTY SHALL NOT BE DEVELOPED EXCEPT AND UNTIL IT HAS BEEN JOINED THROUGH LOT COMBINATION AND COMMON DEVELOPMENT WITH THE ADJACENT TRACT TO THE SOUTH. - FOR A PORTION OF THE PROPERTY LOCATED ON THE WEST SIDE OF PENRY ROAD SOUTH OF ANDERSON STREET – FOR GUILFORD TECHNICAL COMMUNITY COLLEGE. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present to speak to this matter.

Tom Terrell, attorney representing the applicant, stated that that Mr. Ruska gave a concise and necessary history of this tract on Wendover Avenue and Penry Road. Three years ago this Commission rezoned the original 43 acres for the Greensboro campus of GTCC. That site is now being developed and will soon be a showplace, not just for GTCC but also for Greensboro. Last year the Zoning Commission added a 22 acre tract to the north. That tract was added simply to be land-banked and was added because it was available. There are no immediate plans for either that tract or the current ones to be developed at this point. The neighbors have welcomed them and think it will stabilize and enhance the property values in that area.

Mr. Morgan stated that the property zoned CD-PI, number 3027, was originally zoned by City Council with an effective date of June 30, 2002. That property consisted of 43.4 acres and the original zoning received a favorable recommendation from the Zoning Commission. This is the portion of the GTCC campus on which buildings are currently under construction. The property south of and abutting the current rezoning proposal consists of 22.0 acres and was rezoned by the Zoning Commission to PI in January of 2003. At that time, GTCC informed City staff that additional acreage would serve as a land-bank for long-term expansion of the East Wendover campus. Staff felt the rezoning was reasonable and appropriate since it offered the college an opportunity to acquire land for its long-term needs. Although the land encompassing the subject property is mapped as low residential on the Generalized Future Land Use map there is an extensive area to the south and west which is classified as institutional. The institutional land use code applies to university and college campuses, major medical health care concentrations and similar large-scale institutional activity centers. This request is a logical extension of the Generalized Future Land Use patterns since it is property that will be owned by GTCC and will be combined with the property to the south for the eastern campus which is in the initial stages of development. This property is in a potential activity center in which the college is expected to form the focal point as the designation or hub of activity for the surrounding area and its future development. Based upon the information contained in this report the Planning Department recommends approval of this item.

Ms. Wright moved to introduce the ordinance, seconded by Mr. Haynes. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins. Nays: None.)

W. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – LIGHT INDUSTRIAL (#2045) WITH THE FOLLOWING CONDITIONS: 1) LIMITED TO PARKING IN CONJUNCTION WITH THE PROPERTY TO THE SOUTH ZONED LIGHT INDUSTRIAL. 2) A BUFFER ZONE 10 FEET WIDE WILL BE RETAINED AT REAR AND/OR SIDE PROPERTY LINES OF LOTS FACING HUBBARD STREET, CYPRESS STREET AND MAPLE STREET. SUCH ZONE SHALL BE SCREENED BY PLANTED VEGETATION AND OPAQUE FENCING. 3) NO ACCESS TO CYPRESS STREET, HUBBARD STREET AND MAPLE STREET. 4) NO TRACTOR-TRAILER PARKING SHALL BE ALLOWED WITHIN 75 FEET OF THE RS-9 ZONING LINE. AND CONDITIONAL DISTRICT – LIGHT INDUSTRIAL (#2199) WITH THE FOLLOWING CONDITIONS: 1) USE LIMITED TO PARKING IN CONJUNCTION WITH THE PROPERTY TO THE SOUTH ZONED LIGHT INDUSTRIAL. 2) EXISTING OPAQUE FENCING ALONG NORTH PROPERTY LINE SHALL BE RETAINED AND SUPPLEMENTED BY PLANTED VEGETATION ON NORTH SIDE OF FENCE WHERE PRACTICAL AND ALLOWABLE. 3) NO ACCESS TO CYPRESS, HUBBARD, AND MAPLE STREETS. 4) NO TRACTOR-TRAILER PARKING SHALL BE ALLOWED WITHIN 75 FEET OF THE RS-9 ZONING LINE. TO CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITIONS: USE LIMITED TO PARKING IN CONJUNCTION WITH PROPERTY TO SOUTH ZONED LI. NO TRACTOR TRAILER PARKING SHALL BE ALLOWED. 3) A

BUFFER ZONE OF 10 FEET WIDE WILL BE RETAINED ON NORTH BOUNDARY OF ALL LOTS BETWEEN AREAS #2045 AND #2199 AND RESIDENTIAL ZONING LINES NOT A COMPONENT PART OF TAX MAP 251, BLOCK 61, LOT 2. THESE BUFFER ZONES WILL CONTAIN OPAQUE FENCING AND WILL BE SUPPLEMENTED BY PLANTED VEGETATION (INDICATED ON SITE PLAN ATTACHED). 4) ACCESS TO HUBBARD STREET AND CYPRESS STREET WILL BE PERMITTED FROM PARKING AREAS. NO ACCESS WILL BE PERMITTED TO MAPLE STREET DIRECTLY FROM PARKING AREAS (INDICATED ON SITE PLAN ATTACHED). - FOR A PORTION OF THE PROPERTY LOCATED NORTH OF REVOLUTION MILL DRIVE (PRIVATE), WEST OF MAPLE STREET, AND SOUTH OF THE TERMINUS OF HUBBARD STREET AND CYPRESS STREET – FOR REVOLUTION STUDIOS, LLC. (DENIED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property.

Chair Wolf asked if there was anyone present to speak to this matter.

James Peoples, 915 Forest Hill Drive, stated that this property was purchased by Revolution Studios, LLC last February. It is unfortunate that this property has been in a declining condition since 1981 when Cone Mills vacated that facility. At that time, the request in 1983 to have those streets closed was initially put forth by Cone Mills with the prospect of selling that property to a development group out of Winston-Salem. The intended purpose of that sale was to convert the facility to condos and business centers. In revisiting the minutes of that closure request in 1983, there was some controversy. He read a portion of the minutes into the record. It was clear in 1986 that the efforts of Revolution Associates would fail and the intention was to close those streets, which was a concession to the neighborhood. Also the addition of some opaque fencing and shrubbery was intended to protect the neighborhood from the activities that existed at the mill. The facility was used at that time for light manufacturing and trade show application.

It is their intent to make this a very attractive landmark that Greensboro can be proud of. They view the property as an out-growing medical community coming off Church Street and the improvement of this property is doing Greensboro a service. It is also serving as an entrepreneurial center where many of the lifestyle businesses that are growing can find additional space for their expansion. The business center provided approximately 140 jobs last year to the community and the intention of the mill is to grow and develop that concept. He feels that the parking requirements are too stringent for this particular area. The ability to have convenient, close parking spaces is critical.

He is disappointed that staff does not plan to recommend in favor of this project. In the Connections 2025 policy it specifically refers to 6A.4. The first of the policies is the reinvestment infill goal and he would like to think that is straight to their point as they have a 20 year property in disrepair. They are housing business development and generating job growth as an extension of the business center and he feels that is very consistent. The second policy refers to housing and neighborhood goals and this request is not a request to open access through closed streets or non-existent streets. It is a re-access as when this mill was created there were more houses that served the mill and these roads were always connected and they were the employee base that typically resided in those homes and worked within the mill. The intention is that those roads are open and that flow is available to the mill.

Their plan is for the medical community and he suggests that the proper development of this property will be enhanced. The real value to the property owners in the neighborhood is that they will see their property values dramatically escalate over the next several years. The third issue is the economic development goal to promote and help diversify the community with a strong tax base and he feels that

his efforts are right on point. Policy 5D, says preserve and promote Greensboro historic resources and heritage. They are attempting to landmark 3 of the component buildings within this project but they are attempting to return it with a sense of exactly what the historic presence was.

Policy 6A.4, says architectural character and reinvestment potential and again, he feels that they are on target with that. They are not asking that the streets be opened as public streets but simply as an access. The first and foremost reason for opening access into those parking areas and into Revolution Mill Drive is a safety valve. They are looking for reasonable access and egress to the building facility. He read a letter into the record from one of the tenants but stated he had about 15 letters that other tenants had written in support of this project.

Dawn Micheal Oliver, owns a property on Cypress Street and lives at 1672 Marshall Graves Road in Yanceyville, asked why they were not pursuing the access to Church Street as that seems like a more appropriate.

Mr. Peoples responded that this was discussed with the City and the initial indication from the City was that was a good possibility since it hits a light on Church Street it would be worth considering. However, it is in a flood plain and the trestle under the primary mainway would be a single lane so there would be potential problems even if the City concurred with the railroad as far as looking at a primary entrance.

Dr. Gary Smith, Minister of Fairview Baptist Church, which is 2 blocks from Revolution Mill Square. He owns several properties within this area and he believes the improvements to the mill speak for themselves. It has improved the quality of their neighborhood and will continue to keep improving the neighborhood. He believes the proposal before the Commission to open those streets for safety reasons is a good proposal. The property was a depressed property and is now not a depressed property and is a major improvement to the neighborhood. The proposed project gives the opportunity to bring employment back into Greensboro to help the people in that area to bring economic recovery to that area and to make a vital area to this City should be a primary consideration.

Ross Myers, 1811 Golden Gate Drive, stated that he owns a paint company with his brother and they have been restoration partners on the mill. It seems that the mill only has one door and for safety reasons it should have two doors.

Chair Wolf asked if there was anyone present to speak in opposition to this matter.

Margaret Stewart, 2108 Cypress Street, stated that she has a petition signed by the residents of the neighborhood and wished to submit this petition to the Commission. They ask that the Commission leave Cypress and Hubbard as they are now with no access from the south end and leave the conditions as set forth in the 1986-88 rezoning. They enjoy the quietness of their streets and do not want more traffic. When she discussed this with Mr. Peoples in late winter, she pointed out that the streets would be very congested. Many homes in this area do not have a driveway and on-street parking is necessary. She does not understand why 4 entrances into the complex are necessary. She pointed out several examples of high-traffic facilities in the city that only have one entrance and one exit. She asked that the Commission leave the streets closed and their neighborhood as it is.

Randy Causey, 2108 Cypress Street, stated that there are a lot of things that the Commission should consider. This area in 1986 was filled with elderly people that lived there and now it has elderly people and young families with small children that play in the front yards and possibly in the streets that are blocked off right now. When the streets were used as a thoroughfare, it was for the employees of Cone Mills that lived on those streets and used those streets to walk to the mill. It was not a shortcut for strangers to go through. He has noticed some possible illegal activity within the parking lot and he is concerned with the crime element that could come into the area.

Chair Wolf invited Mr. Peoples to return to the podium for 5 minutes of rebuttal.

Mr. Peoples returned to the podium and stated that he respects the views of the homeowners in this area. They are early in the development phase and he feels that the City will make the decisions on this area. In the early stages of development, when the City approves a landscaping plan and an appropriate opaque fence and you develop that with A Class offices, he feels that you would be very pleased with the long-term results of that development as far as how it appears in the neighborhood and how it would ultimately influence the economic viability of the neighborhood. He feels that it can be managed with "No Parking" signs or marked curbing or even a community pass that is on a window of a car at certain hours. There are tools that would reduce the impact of those issues on the community itself.

Chair Wolf invited those in opposition to return to speak for a limited 5 minutes.

Margaret Stewart returned to the podium and stated that the neighbors should not have even had to come to this meeting as the City already knows that Mr. Peoples is not doing the right thing on this property. He took down the fencing and cut the shrubbery. He has also installed a huge air conditioning unit which is right behind her deck and is 6 feet taller than the fence.

Randy Causey returned to the podium and asked if any consideration had been given to coming around the mill and going back up toward Yanceyville Street. There is access around that building from the back against the railroad tracks and there is access from Yanceyville Street on the south side toward the post office and other businesses that are coming toward the mill. It would be possible to cut a road that circles the mill and parking could be put on the south side of it.

Mr. Morgan stated that when this property was initially rezoned to Conditional Use Industrial L in 1986, a condition was established which stated no access to Cypress Street, Hubbard Street and Maple Street. The applicant stated at that time that their intention was to direct the whole flow of traffic to Yanceyville Street and not to go north up to Cornwallis Drive through any subdivision. Based upon the history relative to the conditions pertaining to this property and based upon the protection to the adjacent neighborhood afforded by these conditions, staff feels that these conditions should remain in full force and effect. In particular, allowing non-residential traffic access to Hubbard and Cypress Streets would not be consistent with Connections 2025 policy 6A.4 allowing such traffic on these streets would be inconsistent with the neighborhood's livability and certainly would not protect it from potential negative impacts. Currently, Maple Street is used for non-residential parking associated with Revolution Mills. Hubbard and Cypress Street are allowed to carry non-residential traffic to parking lots associated with Revolution Mills, not only will the neighborhood experience an increase in traffic, but those streets would be available for such non-residential parking as well. Staff feels that certain promises were made to neighborhood in both 1986 and 1988 that the residents would not experience the negative aspects of through traffic between Cornwallis Drive and Revolution Mills and those promises should be kept through the retention of the existing conditions. GDOT will not approve access connections to Hubbard Street or Cypress Street for this development. Even though it does not have direct access to Maple Street, it does have access to Maple Street. Existing access to Maple Street and an access point on Yanceyville Street is sufficient to serve the site. Based upon the information contained in this report the Planning Department recommends denial of this request.

After some discussion Mr. Gilmer moved to introduce the ordinance, seconded by Mr. Haynes. The Commission voted 0-7 and the motion was denied. (Ayes: None. Nays: Wolf, Shipman, Gilmer, Wright, Haynes, Schneider, Collins.)

ITEMS FROM THE PLANNING DEPARTMENT:

ITEMS FROM THE ZONING COMMISSION MEMBERS:

ACKNOWLEDGEMENT OF ABSENCES:

Chair Wolf noted that the record should reflect that Ms. McDonnell and Mr. Byrd were absent.

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There being no further business before the Commission, the meeting was adjourned at 6:15 p.m.

R.W. Morgan
Assistant City Manager

RWM/jd